

PATENT

Serial No. 09 / 854,891

Atty. Docket No. 52466.002

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Inventor: Jerry Joseph Quinn )

Serial No.: 09 / 854,891 )

Filed: May 14, 2001 )

Title: Flashing Assembly &  
Method for Use & Manufacture )

Examiner Steve M. Varner

Art Unit 3635

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R.  
§ 1.8(a): I hereby certify that this correspondence is being deposited with  
the United States Postal Service via facsimile transmission to (703) 872-  
9327 and addressed to MAILSTOP: AF, Commissioner for Patents, P.O.  
Box 1450, Alexandria, Virginia, 22313-1450, on August 25, 2003.

By: Sean M. Casey

Sean M. Casey, Reg. No. 39,514

August 25, 2003

Date Signed

5

Columbus, Ohio  
Monday, August 25, 2003

AFTER FINAL RESPONSE TO 2<sup>ND</sup> OFFICE ACTION

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VIA FACSIMILE TO (703) 872-9327

MAILSTOP: AF  
Commissioner for Patents  
15 P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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Further to the Final Office Action mailed June 2, 2003, and the telephonic interview held  
on the morning August 19, 2003 by Examiner Varner and at the examiner's request, Applicant  
hereby submits this written record of the interview and the examiner's indication of allowable  
subject matter in claims 1 to 24.

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### **BACKGROUND**

Prior to the telephonic interview, Claims 1 to 24 stood finally rejected in the examiner's second office action under 35 U.S.C. § 103(a) as being unpatentable over Hartman in view of Jenkins et al. and Slasinski. In sum, Examiner Varner found unpersuasive Applicant's

5 Amendment A and arguments filed March 19, 2003.

### **INTERVIEW SUMMARY**

However, during the August 19<sup>th</sup> interview Applicant and examiner further reviewed each pending claim in view of the first office action, Applicant's response thereto, and the  
10 references of record, and especially in view of Hartman, Slasinski, Schleicher, Jenkins et al., Hoffman, and Theriault. As a result of that examination, Applicant and Examiner Varner agreed that both the initial and the final rejections were improper because a more detailed inspection of the cited references revealed that Applicant's claimed invention was not evidenced in, suggested by, or otherwise present in any combination of the references of record.

15 For example, among other considerations and references, Applicant asserted and Examiner Varner agreed that Hartman is limited to a hole 42 that does not operate to join segments 32, which teaches away from Applicant's claimed tightly joined together but releasable strips. Further, Applicant and Examiner Varner further agreed that, among other considerations and references, the Slasinski and Schleicher references are, by their own disclosures, restricted to  
20 permanent clinch joints, which teach away from Applicant's claimed releasable clinch joint features and capabilities.

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### CONCLUSION

Entry of the above written record of the interview is requested. It is believed that claims 1 through 24 as originally filed distinguish over the prior art of record in this case and that the subject matter discussed in the August 19<sup>th</sup> interview does not constitute new matter because all such information was previously discussed and disclosed in the prior response to the first office action and in the specification, drawings, and claims of this application as originally filed and amended. Accordingly, withdrawal of the examiner's rejections and an early allowance of the currently pending claims 1 - 24 are respectfully solicited.

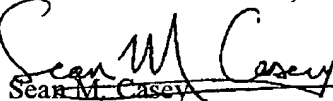
Additionally, Applicant respectfully requests an indication that the drawings as originally filed are accepted.

As the initial and final rejections were improper and are now believed to be withdrawn, no fees are believed to be due in connection with this after final response. The under-signed Applicant's representative may be contacted anytime at (614) 222-0800 if any further information or fees are required. Thank you for your attention to this matter.

Respectfully submitted,

JERRY JOSEPH QUINN

By: SEAN M. CASEY CO., L.P.A.

  
Sean M. Casey

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